

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:22-cv-00279

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**Ramon Alvarado Garcia,**  
*Plaintiff,*

v.

**Douglas W. Foust et al.,**  
*Defendants.*


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**ORDER**

Plaintiff Ramon Alvarado Garcia, proceeding pro se and *in forma pauperis*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love. Thereafter, defendants Douglas Foust and Jocelyn McCoy filed a motion for summary judgment for failure to exhaust administrative remedies. Doc. 25. On September 6, 2023, Judge Love issued a report and recommendation (Doc. 26), recommending that the motion be granted, and that plaintiff's claims be dismissed without prejudice for failure to exhaust administrative remedies. To date, no objections have been filed and the time period for doing so has passed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report (Doc. 26), and being satisfied that it contains no clear error, the court accepts its findings and recommendation. For the reasons stated in the report, defendants' motion for summary judgment (Doc. 25) is granted. This action is dismissed without prejudice for plaintiff's failure to exhaust administrative remedies.

*So ordered by the court on October 20, 2023.*

  
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J. CAMPBELL BARKER  
United States District Judge